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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91156321
Party	Plaintiff The Chamber of Commerce of the United States of America
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Submission	Stipulation of Facts
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Date	02/12/2009
Attachments	Joint Stipulation.pdf (3 pages)(15753 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

Opposer,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE FOUNDATION,

Applicant.

Opposition No.: 91/156,321

Serial No.: 78/081,731

THE CHAMBER OF COMMERCE OF
THE UNITED STATES OF AMERICA

Petitioner,

v.

UNITED STATES HISPANIC CHAMBER
OF COMMERCE

Registrant.

Cancellation No.: 92/045,876

Reg. No.: 2,886,207

STIPULATION REGARDING THE PRESENTATION OF EVIDENCE

Pursuant to TBMP Sections 702 and 705, Opposer/Petitioner, The Chamber of Commerce of the United States of America, Applicant, United States Hispanic Chamber of Commerce Foundation and Registrant, United States Hispanic Chamber of Commerce, hereby make the following stipulations regarding presentation of evidence as follows:

1. The parties stipulate to allowing Opposer to submit the 11/24/08 transcript of the deposition testimony of Julie Herrera and Opposer's Fifth Notice of Reliance (the file history for

Reg. No. 2,887,973) (see D.I. 108 in Opposition) as rebuttal evidence to Applicant's testimony taken during its reopened testimony period pursuant to the Board's 8/15/08 Order in the Opposition.

2. The parties stipulate to allowing Petitioner to reuse the 11/24/08 transcript of the deposition testimony of Julie Herrera in the Cancellation. Petitioner has previously moved in the Cancellation to reuse Ms. Herrera's testimony (D.I. 118 therein).

3. The parties stipulate that Petitioner will submit the 1/8/09 transcript of the deposition testimony of Julie Herrera in the Cancellation as Registrant's cross-examination of Ms. Herrera's 11/24/08 testimony pursuant to TBMP § 530 and 37 C.F.R. § 2.122(f).

4. The parties stipulate that Applicant may reuse the 1/8/09 transcript of the deposition testimony of Julie Herrera in the Opposition.

5. If the Board grants this Stipulation in the Opposition, Opposer agrees to withdraw its Motion to Modify Board's Scheduling Order (D.I. 106 in Opposition).

6. Both parties reserve the right to object to any evidence on the grounds of competency, relevance, and materiality, if such objections are timely raised. TBMP § 705.

Respectfully submitted,

KENYON & KENYON LLP

Date: February 12, 2009

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CERTIFICATE OF SERVICE

I hereby certify that the required number of copies of the foregoing *Stipulation Regarding the Presentation of Evidence* was served on counsel on the date and as indicated below:

By U.S. Mail (Postage Prepaid)

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Date: February 12, 2009

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